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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,950	05/19/2000	Dale F McIntyre	80724PF-P	9923

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PATENT LEGAL STAFF
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,950

Applicant(s)

MCINTYRE ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 8/26/04 with respect to claims 1-3 and 5-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,573,927 B2) in view of Maurinus et al. (US 5,606,365 A).

Regarding claim 1, Parulski discloses a method for requesting photographic services on images (*e.g., requesting downstream services such as printing, emailing and/or alburning for images – see abstract and col. 3, lines 31-34*), the method comprising the steps of:

capturing images in camera 12 (see col. 2, lines 54-58);

selecting at least photographic service, *e.g., printing, emailing and/or alburning* (see col. 3, lines 31-34); and

sending the print order information and the selected image(s) needed to fulfill the print order to service provider 14 through communication network 31 (see col. 4, lines 11-16).

Parulski shows camera 12 coupling to a terminal which includes a monitor 44 and PC 46 as illustrated in figure 1A. Parulski does not teach accessing a cable TV communication unit with the camera; the cable TV communication unit being capable of communicating with a remote service provider over a broadband communication network; forwarding the captured

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images to the cable TV communication unit for viewing on a monitor associated with the cable TV communication unit

However, Maurinus teaches that the digitized image information representing captured images from camera 10 are transmitted to an image processing system via cable connections by a set top box 54. The corrected, digital image information set in the display image format is then forwarded to the set top box 54 for display the captured images on television 60 (see col. 7, lines 32-38 and 48-67 and figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Parulski by forwarding the corrected digitized image information to television for displaying on the television screen as disclosed by Maurinus in order to simplify and make less expensive a high resolution electronic still image camera system for use in conjunction with an interactive home information system.

Regarding claim 2, Parulski as modified by Maurinus further discloses that the cable communication unit is a set top box 54 operationally associated with a television 60 (see col. 7, lines 32-39).

Regarding claim 3, Parulski as modified by Maurinus does not teach the set top box 54 is digital set top box. Official Notice is taken that digital set top box type is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Parulski and Maurinus by including a digital set top box in order to provide high quality for viewing.

Regarding claims 12 -14, the recited limitations are met by the combination of Parulski and Maurinus. Particularly, Parulski discloses that the user selects images to be transferred to their photo album which could be maintained by the service provider 14 or on the user's home computer 10, and optionally selects what group of users might be allowed to view the images

(see col. 4, lines 43-51). Maurinus further discloses forwarding at least one image via to any other designated HIC via cable network for permanent storage or viewing (see col. 9, lines 36-39).

Regarding **claim 15**, the recited limitation is met by the combination of Parulski and Maurinus. Particularly, Parulski discloses that the user selects images to be transferred to their photo album which could be maintained by the service provider 14, and optionally selects what group of users might be allowed to view the images (see col. 4, lines 43-51). Maurinus further teaches that the other designated HIC can store, view or print the images (see col. 9, lines 38-40).

Regarding **claim 16**, Parulski discloses camera 12 is a digital camera (see col. 2, lines 54-55)

Regarding **claim 17**, Parulski does not closes camera 12 is a hybrid digital/film camera. Official Notice is taken that hybrid digital/film camera type is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the camera of Parulski by including a hybrid digital/film camera in order to provide flexibility for capturing images without/with film.

Regarding **claim 18**, Parulski discloses a method for obtaining image services (*e.g., obtaining services such as printing, emailing and/or albing for images – see abstract and col. 3, lines 31-34*), the method comprising the steps of:

selecting at one image from the captured images and requesting an order for printing, emailing and/or albing (see col. 3, lines 31-34); and

sending the print order information and the selected image(s) needed to fulfill the print order to service provider 14 through communication network 31 (see col. 4, lines 11-16).

Parulski does not teach accessing a cable TV communication unit; the cable TV communication unit being operationally associated with a monitor and a cable TV communication network; and requesting an order for at least one photographic good/service which is to be performed with respect to the at least one image using the cable TV communication unit.

However, Maurinus teaches that the digitized image information representing captured images from camera 10 are transmitted to an image processing system via cable connections by a set top box 54. The corrected, digital image information set in the display image format is then forwarded to the set top box 54 for display the captured images on television 60. The HIC 54 may be provided with a user input keyboard or the like to communicate a separate destination for the corrected digitized image information than the user's HIC 54. For example, the user may employ a vendor and order instructions for transferring the corrected digitized image information to a printing company with instructions to make prints or create a photo CD (see col. 7, lines 32-38 and 48-67; col. 8, lines 30-38 and figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Parulski by forwarding the corrected digitized image information to television for displaying on the television screen and requesting an order for photographic service with respect to at least one image using a HIC/set top box as disclosed by Maurinus in order to simplify and make less expensive a high resolution electronic still image camera system for use in conjunction with an interactive home information system.

Regarding claim 19, Parulski discloses sending the print order information and the selected image(s) needed to fulfill the print order to service provider 14 through communication network 31 (see col. 4, lines 11-16).

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4. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,573,927 B2) in view of Maurinus et al. (US 5,606,365 A) and further in view of Shiota et al. (US 6,324,521 B1).

Regarding claims **5-7**, Parulski discloses that a low resolution version of the templates desired by the user can be stored in the camera, so that the user can preview the final composite image. A high resolution version of the template can be used by the service provider to print the final composite image (see col. 5, lines 43-50). Maurinus discloses that the HIC 54 transmitting the raw, digitized image information on the network 50 to an image processing system (see col. 5, lines 23-27 and col. 7, lines 55-59).

The combination of Parulski and Maurinus does not teach a cable server storing a low resolution version of image, and the cable server routing the image to a network image server via an Internet network. However, Shiota discloses that a center server 12 stores low resolution image data. If the processing requires the special equipment, the center server 12 sends an instruction information included digital image data to a laboratory server 8 in a special laboratory 4 via Internet. Shiota further discloses that the laboratory server 8 in the special laboratory 4 stores high resolution image data (see figure 1 and col. 7, lines 51-55; col. 8, line 57 to col. 9, line 5; col. 9, lines 60-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Parulski and Maurinus by storing a low resolution version of image at a center server and routing the image from the center server to a special laboratory via Internet as disclosed by Shiota in order to provide the photograph service to the customers widely and efficiently.

Regarding claim **8**, the recited limitation is met by the combination of Parulski, Maurinus and Shiota. Particularly, Parulski discloses that the user selects the images to be transferred to their photo album, and optionally selects what group of users might be allowed to view the

images (see col. 4, lines 48-53). Shiota further discloses routing the at least image to the photographic service provider which performs said selected photographic service on the associated image (see Shiota: figure 5; col. 8, line 57 to col. 9, line 28; col. 11, lines 54-61).

Regarding claim 9, Parulski discloses that composing a print order, the use may choose to transmit one or more images to others. These images can include the "creative" images. The user selects the images and the person(s) who will receive them, from the group of addresses. For printing, order composition involves selecting the quantity, print size, and quality level of the images to be printed (see col. 4, lines 17-22; col. 3, lines 45-50).

Regarding claims 10-11, Parulski discloses that instead of, or in addition to, composing a print order and/or an e-mail order, the user may choose to transmit one or more images to their "electronic photo album" account, which could be maintained by the service provider in an image "album" storage. In this case, the user selects the images to be transferred to their photo album.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a stylized, flowing script.

Ngoc K. Vu
Examiner
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January 21, 2005